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From: Xidis, Claire [mailto:cxidis@motleyrice.com]  
Sent: Friday, February 13, 2009 16:02  
To: Ehrich, Delmar R.  
Cc: lbullock@bullock-blakemore.com; driggs@riggsabney.com; rgarren@riggsabney.com; dpage@riggsabney.com; Jorgensen, Jay T.; George, Robert; Scott McDaniel; Robert Sanders; John Elrod; James Graves; Theresa Noble Hill; Rockwood, Linda L.; Collins, Melissa C.; Moll, Ingrid; Baker, Fred; Mark\_Quayle@cargill.com; Jones, Bruce; Jaromin, Michelle; Kelly\_Burch@oag.state.ok.us  
Subject: RE: Stratus Damages Reports/Missing Considered Materials

Delmar -

Your below email simply repeats your prior blanket request that the State answer your questions for 70 different subcategories of information, which is unreasonable. If after a reasonable effort, Defendants cannot locate a specific, particular item they have reason to believe should be in the production, the State is happy to answer specific questions. Some of this information responsive your blanket inquiries has been produced, some does not exist, some items may be with the entities Defendants have subpoenaed, but the authors of the report never considered those items and thus they were not in their files that were produced.

For example, for the recreation study, no records exist about the number of times a respondent was contacted. For this study, paper forms were filled out during the interviews that contain the date of the interview (another category of information you have requested). All of those paper forms were scanned, have been produced to Defendants, and are in the "Hard Copy documents from Stratus" folder in the materials. However, based on your questions, it appears Defendants have not even looked at these yet. The State is not going to perform searches for all 70 of your categories because it is overly burdensome and because it appears that Defendants have not even attempted a complete review of the materials. Defendants need to make a reasonable effort to review the materials and identify real questions rather than making burdensome blanket inquiries.

As my previous correspondence has demonstrated, the State is absolutely willing to help if Defendants have reasonable questions about the materials.

The State does not agree to an extension of Defendants' expert deadline for damages reports.

I will assume that in light of the course of action you set forth below that Defendants do not intend to accept the deposition dates of the Stratus authors I offered last week. Unless I hear otherwise from you before Monday, those dates will need to be reset to accommodate the changing schedules of the State's witnesses and attorneys.

Your latest request, asking the State to separately identify each piece of the report each author wrote and the corresponding materials is also unreasonable. Defendants' report by Rausser and Dicks and the Rausser/Dicks PI declaration, the Myoda/Samadapour PI declaration and the recently served Chadwick/Merritt/Cummings report are all jointly written disclosures that were presented in the same manner as the Stratus reports. In addition, the State's report by Drs. Cooke and Welch was a joint expert report by two testifying experts. Defendants did not make such a demand in regard to their joint report prior to taking their depositions.

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